

02-18-05

DAE
Tom

PTO/SB/64 (10-01)

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number (Optional)
2269-3530.3US (97-
1257.00/US

First named inventor: Terry L. Gilton

Application No.: 09/177,814

Group Art Unit: 1641

Filed: October 23, 1998

Examiner: G. Gabel

Title: SEPARATION APPARATUS INCLUDING POROUS SILICON COLUMN

Attention:
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

NOTE: If information or assistance is needed in completing this form, please contact
Petitions Information at (703)305-9282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee -- required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee

☐ Small entity - fee \$_____ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

☒ Other than small entity - fee \$1,500.00 (37 CFR 1.17(m))

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in the form of Request for Continued Examination (RCE) and check in the amount of \$790.00 (identify type of reply):

- ☐ has been filed previously on _____.
☒ is enclosed herewith.

B. The issue fee of \$ _____

- ☐ has been paid previously on _____.
☐ is enclosed herewith.

[Page 1 of 3]

Burden Hour Statement: This form is estimated to take 1.0 hour to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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3. Terminal disclaimer with disclaimer fee

- ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$_____ for a small entity or \$_____ for other than a small entity) disclaiming a period equivalent to the period of abandonment is enclosed herewith (see PTO/SB/63).

4. Statement. The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c)(III)(C) and (D))].

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

February 17, 2005

Date

Brick G. Power

Signature

Telephone
Number: (801) 532-1922

Brick G. Power

Typed or printed name

PO Box 2550

Address

Salt Lake City, UT 84110

Enclosures: ☒ Fee Payment

☐ Reply

☐ Terminal Disclaimer Form

☒ Additional sheets containing statements establishing unintentional delay

☒ Other : Request for Continued Examination (RCE) and check in the amount of \$790.00

NOTICE OF EXPRESS MAILING

Express Mail Mailing Label Number: EL994823780US

Date of Deposit with USPS: February 17, 2005

Person making Deposit: Steve Wong

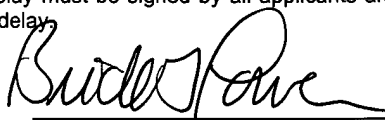
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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNAVOIDABLY
UNDER 37 CFR 1.137(a)**

NOTE: The following showing of the cause of unavoidable delay must be signed by all applicants and by any other party who is presenting statements concerning the cause of delay.

February 11, 2005

Date



Signature

Brick G. Power

Typed or printed name

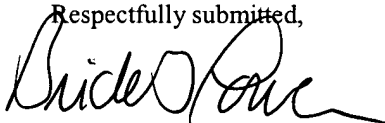
(In the space provided below, please explain in detail the reasons for the delay in filing a proper reply)

I hereby certify that lapsing of the six month period for responding to the Final Office Action dated July 27, 2004, was unintentional, as evidenced by the filing of an Amendment under 37 C.F.R. § 1.116 on September 27, 2004.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

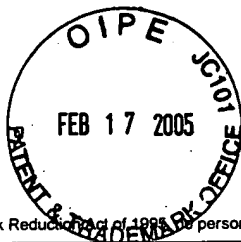
In view of the foregoing, it is respectfully submitted that abandonment of the above-referenced application was in no way the fault of the Applicant or the Applicant's attorney and was, therefore, unavoidable. Therefore, revival of the above-referenced application at an early date is respectfully requested.

Respectfully submitted,



Brick G. Power, Registration No. 38,581

(Please attach additional sheets if additional space is necessary)



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